

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ROGER MERRITT THIELEMAN, #1153979 §

VS. § CIVIL ACTION NO. 6:16cv1300

JONI WHITE, ET AL. §

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Roger Merritt Thieleman, an inmate formerly confined at the Michael Unit within the Texas Department of Justice (TDCJ) proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. The complaint was referred to the United States Magistrate Judge, the Honorable Judge K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

In February 2019, Judge Mitchell issued a Report, (Dkt. #75), recommending that Plaintiff's motions for a preliminary injunction, (Dkt. ## 63, 66), be denied. A copy of this Report was sent to both parties; return receipt requested. The docket reflects that Plaintiff received a copy of the Report in April 2019, (Dkt. #84). However, to date, no objections to the Report have been filed.

Because no objections to Judge Mitchell's Report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

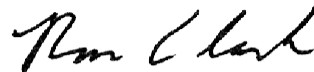
The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #75), is **ADOPTED** as the opinion of the court. Further, it is

ORDERED that Plaintiff's motions for a preliminary injunction, (Dkt. ##63, 66), are **DENIED**.

So Ordered and Signed

Aug 20, 2019

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, Senior District Judge